

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

<b>SHAWNEE TERMINAL</b>	)	
<b>RAILROAD CO., INC.,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>CIVIL ACTION 01:09-cv-00113-KD-N</b>
	)	
<b>J.E. ESTES WOOD CO., INC. and</b>	)	
<b>A.A. NETTLES, SR. PROPERTIES,</b>	)	
<b>LTD.</b>	)	
<b>Defendants.</b>	)	

**JUDGMENT**

In accordance with the Order issued on this date, the Magistrate Judge's Supplemental Report and Recommendation (Doc. 38) is hereby **ADOPTED**, Defendant's Motion to **DISMISS** (Doc. 24) is hereby **GRANTED**, and this case is hereby **DISMISSED**.

**DONE** and **ORDERED** this the 18th day of September, 2009.

/s/ Kristi K. DuBose  
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**KRISTI K. DuBOSE**  
**UNITED STATES DISTRICT JUDGE**